

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>ANTHONY DeFRANCO,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civ. No. 04-0230 Erie</b>
	)	<b>Magistrate Judge Baxter</b>
<b>WILLIAM WOLFE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Plaintiff Anthony DeFranco has filed an appeal of Magistrate Judge's Order (Doc. 251) denying his Motion for Order to Release His Copied Files at His Own Expense (Doc. 239).

Mr. DeFranco seeks a reduced copying fee and waiver of a search and retrieval fee for certain pages of his medical file. However, "as a general rule, indigent litigants bear their own litigation expenses." Tabron v. Grace, 6 F.3d 147, 159 (3d Cir. 1993). We have reviewed Mr. DeFranco's original motion (Doc. 239) and attached exhibits, as well as Defendants' response (Doc. 242) and attached exhibits. Defendants' response (Doc. 242) persuasively shows that there is no basis to grant Mr. DeFranco's motion. Mr. DeFranco's attempts to compare his situation to another inmate's situation with regard to similar fees is unpersuasive, and in this case we find the comparison to be irrelevant. There is no error in the Magistrate Judge's Order denying Mr. DeFranco's motion.

The following Order is therefore entered.

AND NOW, to-wit, this 11<sup>th</sup> day of December, 2006, it is hereby ORDERED,  
ADJUDGED, and DECREED that Plaintiff's Plaintiff's Appeal of Magistrate's Order Doc.#  
251 (Doc. 252) be and hereby is DENIED.

Maurice B. Cohill, Jr.  
Maurice B. Cohill, Jr.  
Senior United States District Judge

cc: Anthony Defranco, pro se  
counsel of record